

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CELLCO PARTNERSHIP d/b/a)
VERIZON WIRELESS,)
and)
BELL ATLANTIC MOBILE OF MASSACHUSETTS)
CORPORATION, LTD. d/b/a VERIZON WIRELESS)
Plaintiffs,)
v.) Civil Action No.: 05-10655 REK
TOWN OF BROOKLINE, MASSACHUSETTS;)
TOWN OF BROOKLINE BOARD OF APPEALS;)
and DIANE GORDON, HARRY MILLER, BAILEY)
SILBERT, ENID STARR, LAWRENCE KAPLAN,)
MURRAY SCHOCKET in their official capacities as)
Members of the Town of Brookline Board of Appeals,)
Defendants.)

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

The parties to the above-captioned action hereby submit this Joint Statement and Proposed Pretrial Schedule in accordance with Local Rule 16.1. Counsel for the parties have conferred and have agreed upon this Joint Statement.

I. Statement Pursuant to Local Rule 16.1(B)

Counsel for the parties state that they have conferred, pursuant to Rule 16.1(b), for the purpose of: (1) preparing an agenda of matters to be discussed at the scheduling conference; (2)

preparing a proposed pretrial schedule; and (3) considering whether they will consent to trial by magistrate judge.

II . Statement Pursuant to Local Rule 16.1(C)

The parties state that they have discussed settlement proposals, but have been unable to resolve this dispute at this time.

III . Joint Statement Pursuant to Local Rule 16.1(D)

A. Joint Discovery Plan

1. Initial Disclosures

The parties propose that Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) be exchanged on or before July 28, 2006.

2. Close of Discovery

The parties propose that all written discovery be served on or before October 6, 2006 and that depositions of all fact witnesses be completed on or before January 19, 2007.

3. Expert Witnesses

The parties propose that expert witnesses, if any, be identified and that Fed. R. Civ. P. 26(a)(2) Expert Disclosures be served on opposing party on or before October 13, 2006 and that all expert depositions be completed on or before January 19, 2007.

B. Proposed Motion Schedule

The parties propose that motions for summary judgment and other dispositive motions be filed on or before April 6, 2007.

The parties further agree that the nature and number of discovery events shall be governed by Local Rule 26.1(C). Any party may file an appropriate motion seeking relief from the limitations on discovery contained in the Local Rules.

IV. Certifications of Parties and Counsel Pursuant to Local Rule 16.1(D)(3)

The parties each will file certifications complying with Local Rule 16.1(D)(3)

V. Trial by U.S. Magistrate Judge

The parties do not consent to trial by United States Magistrate Judge.

PLAINTIFF,
CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,
By its Attorneys,

Danielle Andrews

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DEFENDANTS,
TOWN OF BROOKLINE,
ET AL.,
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Dated: 2/15/06